

1575
012304

U.S.PTO

**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 C.F.R. § 1.53(b))

Attorney Docket No. 98-39 C2 Total Pages 116

First Named Inventor or Application Identifier

STARR et al.

Title Method and Apparatus for Determining Cardiac Output

Express Mail Label No. EL 997388395 US

S.F.
10/7/04
22581

012304

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. Fee Transmittal Form
(Submit an original, and a duplicate for fee processing)
2. Specification [Total Pages 37]
(preferred arrangement set forth below)
 - Descriptive Title of the Invention
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
3. Drawing(s) (35 U.S.C. § 113) [Total Sheets 8]
4. Oath or Declaration [Total Pages 10]
 - a. Newly executed (original or copy)
 - b. Copy from a prior application (37 C.F.R. § 1.63(d))
(for continuation/divisional with Boxes 19 and 20 completed)
[Note Box 5 below]
 - i. **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).
 - c. Unsigned
5. Incorporation By Reference *(useable if Box 4b is checked)*
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. Application Data Sheet per 37 C.F.R. § 1.76
[Total Pages 2]

ADDRESS TO: Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
7. **DOMESTIC/INTERNATIONAL** priority is claimed under 35 U.S.C. § 119(e)/120/365(c) based on the following provisional, nonprovisional, and/or PCT international applications.

	Application No.	Filing Date
(1)	10/172,271	June 14, 2002
(2)	09/161,595	October 18, 2000
(3)	60/161,120	October 22, 1999
(4)		

8. Prior application is assigned to Respirronics, Inc. by Assignment recorded May 14, 2001 Reel 011804 Frame(s) 0994.**ACCOMPANYING APPLICATION PARTS**

9. Assignment Papers (cover sheet & document(s))
(Please return recorded assignment to the undersigned)
10. 37 C.F.R. § 3.73(b) Statement Power of Attorney
(when there is an assignee)
11. English Translation Document *(if applicable)*
12. Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS Citations
13. Preliminary Amendment *(to be entered before calculating fees)*
14. Return Receipt Postcard
(Should be specifically itemized)
15. Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. Certificate of Mailing by Express Mail
17. Non-publication Request and Cert. under 35 U.S.C. § 122(b)(2)(B)(i) (attach copy of RI-186 Form (PTO/SB/35)).
18. Other: Filing of Formal Drawings

19. If a **CONTINUING APPLICATION**, check appropriate box and supply the requisite information: Continuation Divisional Continuation-in-part (CIP) of prior application No. 10/172,271.Prior application Information: Examiner: Natnithithadha, N. Group/ArtUnit: 3736**21. CORRESPONDENCE ADDRESS**

Customer No.

30031

Name	Michael W. Haas	Reg. No.	35,174
Signature	<u>Michael W. Haas</u>	Date	January 23, 2004

FEE TRANSMITTAL

(Effective 10/01/2003)

"Express Mail" Label No. EL 997388395 US

TOTAL AMOUNT OF PAYMENT \$ 860.00

Application Number NOT Yet Assigned

Filing Date January 23, 2004

First Named Inventor STARR et al.

Confirmation Number Unknown

Group Art Unit Unknown

Examiner's Name Unknown

Attorney Docket No. 98-39 C2

METHOD OF PAYMENT



The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number

50-0558

Deposit Account Name

Respironics, Inc.



Charge any additional fee required under 37 C.F.R. §§ 1.16, 1.17, 1.19 and 1.20



Charge the Issue Fee set forth in 37 C.F.R. § 1.18

2. Payment Enclosed:

Check (Check No. 291617)

FEE CALCULATION (fees effective 10/01/00)

1. FILING FEE

Large Entity Fee (\$)

Small Entity Fee (\$)

Fee Description

Fee Paid

1001 770

2001

385

Utility filing fee

770.00

1002 340

2002

170

Design filing fee

1003 530

2003

265

Plant filing fee

1004 770

2004

385

Reissue filing fee

1005 160

2005

80

Provisional filing fee

SUBTOTAL (1) \$ 770.00

2. CLAIMS

Extra Claims

Fee from Below

Fee Paid

Total Claims 25

- 20 *

5 x

18 =

90.00

Ind. Claims 2

- 3 *

0 x

86 =

0.00

Multiple Dependent Claims add

290 =

0.00

* Enter Highest Number Previous Paid For

Large Entity Fee (\$)

Small Entity Fee (\$)

Fee Description

1202 18

2202

9

Claims in excess of 20

1201 86

2201

43

Independent claims in excess of 3

1203 290

2203

145

Multiple dependent claim

1204 86

2204

43

Reissue independent claims over original patent

1205 18

2205

9

Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) \$ 90.00

3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or declaration	
1052	50	2052	25	Surcharge - late provisional filing fee or or cover sheet	
1811	100	1811	100	Certificate of Correction	
1812	2,520	1812	2,520	For filing a request for reexamination	
576	25	576	25	Additional filing receipt, duplicate or corrected due to applicant error	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for response within first month	
1252	420	2252	210	Extension for response within second month	
1253	950	2253	475	Extension for response within third month	
1254	1,480	2254	740	Extension for response within fourth month	
1255	2,010	2255	1,005	Extension for response within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive unavoidably abandoned application	
1453	1,330	2453	665	Petition to revive unintentionally abandoned application	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1814	110	2814	55	Statutory Disclaimer	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Petitions related to provisional applications	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of property)	
1809	770	2809	385	Filing a submission after final rejection (37 C.F.R. § 1.129(a))	
1801	770	2801	385	Request for Continued Examination	
Other Fee (specify) _____					
SUBTOTAL (3)				\$ 0.00	

SUBMITTED BY

Typed or Printed Name

Michael W. Haas

Reg. Number

35,174

Signature

Michael W. Haas

Date

January 23, 2004

Deposit Account Number

50-0558

Certificate of Mailing by "Express Mail"

EL 997388395 US

"Express Mail" label number

January 23, 2004

Date of Deposit

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and is addressed to:

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Signature of person mailing correspondence

Michael W. Haas

Typed or printed name of person mailing correspondence

Note: Each paper must have its own certificate of mailing by "Express Mail".

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

Inventor : STARR et al.
Appln. No. : Not Yet Assigned (CON of 10/172,271)
Conf. No.: Unknown
Filed: January 23, 2004
Title: METHOD AND APPARATUS FOR DETERMINING CARDIAC OUTPUT
Group Art Unit : Unknown
Examiner : Unknown
Docket No. : 98-39 C2

* * * *

January 23, 2004

FILING OF FORMAL DRAWINGS

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

Please accept herewith the 9 sheets of formal drawings on 8½ x 11 size paper of Figures 1-12;

which are in lieu of the informal drawing(s) filed earlier.

Each sheet of drawings includes the identifying indicia suggested in 37 C.F.R. § 1.84 (c) on the reverse side of the drawing.

Respectfully submitted,

By Michael W. Haas

Michael W. Haas
Reg. No.: 35,174
Tel. No.: (724) 387-5026
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CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on January 23, 2004 with sufficient postage as "Express Mail Post Office to Addressee" in an envelope addressed to:

Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450.
"Express Mail" mailing number: EL 997388395 US.

Michael W. Haas
Michael W. Haas, Reg. No. 35,174